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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF AFGHANISTAN

1. Mr. ABDULLAH (Afghanistan) said it was essential that every human right should be enshrined in the legal order of every State. Islam - the first historical basis for human rights principles - taught brotherhood, tolerance and respect for others and its message transcended ethnic, linguistic, racial and sexual barriers. The Holy Koran recognized equality between Adam and Eve, man and woman. Islam sometimes, however, fell prey to extremist minority movements which distorted the religion's image and posed a danger above all to Muslim people. The responsibility for combating and denouncing such fanatics lay primarily with Muslim peoples and Governments.

2. The Afghan people were currently suffering the most barbaric, inhuman and ignominious form of totalitarian fanaticism at the hands of the Taliban. The overwhelming majority of Governments, institutions and intellectuals in the Muslim world had unequivocally condemned the actions of that group. Pakistan, however, continued to support the Taliban by military and other means: a suicidal policy which deprived that country of any right to speak in the name of Islam and of tolerant Muslims.

3. The international community must face up to its responsibilities. The defence of human rights did not consist merely of making declarations of principles; the large-scale and systematic violations of human rights being committed demanded appropriate measures. Regrettably, the sanctions imposed on the Taliban by the Security Council took no account of their violations of human rights, in particular their imposition of sexual apartheid in the areas under their control.

4. The central and northern regions under his own Government's control were currently being subjected to an economic blockade which threatened the lives of hundreds of thousands of women and children. International assistance was urgently required to remedy the dire humanitarian situation in Afghanistan.

5. The Berlin Wall had gone, but the world was still divided into two. It was a planetary village in which some did not hear the cries of distress of others. Globalization was only exacerbating poverty and the developed countries must cooperate with the developing ones to enable them to realize the full range of rights for their peoples.

6. The recent designation by the International Criminal Court of the raping of women and of the destruction of cultural heritage during armed conflict as war crimes and crimes against humanity offered a ray of hope to the thousands of women raped by the murderers of their families, including those in Afghanistan. The savage destruction by the Taliban of pre-Islamic works of art and unique statues of Buddha had shocked the international community and Afghan people alike. Those masterpieces had symbolised a dialogue between East and West, bearing witness to the deeply rooted nature of the religious and cultural tolerance of the Afghan people. The word "tolerance", however, did not exist in the Talibans' vocabulary. Those representatives of Buddhist countries who had sent emissaries and letters to the Pakistani authorities had accurately identified the real instigator of a barbaric act in which the Afghan people had significantly played no part.

7. His own Government - despite facing innumerable difficulties arising from the conflict forced upon it - made every effort to ensure respect for human rights. In the part of the country under its control, all ethnic groups enjoyed political representation. There was freedom of association and expression, and the Association of Afghan Women was active. Girls and women had access to education at all levels and were active in the public service, working as doctors, nurses and teachers. They also enjoyed unrestricted access to health services without charge. The Government was not fully satisfied with the current situation, which however represented a minimum to be preserved at all costs.

8. In the part of the country under his Government's control, there were no political prisoners and human rights representatives and non-governmental organizations (NGOs) were welcome, especially those concerned with women's rights.

9. A solution capable of bringing an end to the suffering of the Afghan people must be a political one. Its foundations must be solid, since peace could be based only on the rule of law, democracy, respect for human rights and the participation of all groups in government. Moreover, the rights of Afghan women must be fully recognized. As a first step, a Grand Representative Assembly could be convened under the auspices of the United Nations to adopt the necessary emergency measures. While Pakistan continued to interfere in the internal affairs of Afghanistan, peace would be difficult to attain, hence the importance of international support.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2001/20, 21 and Corr.1 and 22; E/CN.4/2001/NGO/5, 11, 28, 38, 41, 57, 58, 61, 62, 73, 155, 162 and 164; E/CN.4/Sub.2/2000/11 and Corr.1; A/55/304)

10. Ms. SPALDING (World Federation for Mental Health), speaking also on behalf of the Women's Sport Foundation, said that young people had come from around the world to attend the Youth Empowerment Summit during the fifty-second session of the Sub-Commission on the Promotion and Protection of Human Rights in the hope that the United Nations would have the capacity to listen, reflect and act for the advancement of humanity. Participants in the Commission's sessions often appeared caught up in its political and issue-centric hustle and bustle and in a perpetual race to be heard. She wondered, however whether there was any real listening or constructive follow-up. The process of being listened to and understood was a key component of the mental health of individuals and of communities.

11. Although young people were sometimes heard, they were rarely involved in working on issues that might actually affect their lives. All too often, they were isolated from the substantive work of human rights bodies. Young people, however, could act as catalysts for the eradication of racism. A Lakota young woman at the Youth Empowerment Summit had said that the youth of her tribe not only considered their voices to be unheard in the non-indigenous world, but assumed that they did not even deserve to be heard. Another had asked that humanity be "put back into human rights". Such young people did deserve to be heard. They had, in fact, drafted a youth resolution which was reflected in a Sub-Commission summary record.

12. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that the role played by the United Nations in combating racial discrimination was gaining universal appreciation. As

had been acknowledged in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, intolerance thrived on fear of what was different - fear of the loss of personal security - and human fear in itself was ineradicable. Efforts should thus be focused on means of achieving human integration that would reduce the potential of inter-cultural antipatnies. Any efforts to humanize the world must begin with the humanization of the aspirations of communities and with the creation of conditions in which they would feel less threatened.

13. It remained to be seen how democratic values could be promoted without certain negative consequences. All too often in the developing world, the electoral mechanism, with its emphasis on the politics of numbers, favoured mass-mobilization based on the stimulation of primordial loyalties. State machinery tended to support the discriminating policies of the majority, discouraging diversity as being somehow unpatriotic. As a consequence, the intolerance of neighbouring groups was stimulated, leading to an never-ending spiral of xenophobic reactions from collectivities that had shared the same geographic space for centuries.

14. The spectre of the Taliban and its attendant cult of intolerance threatened to infect the fledgling democracies of the region and was the chief enemy of diversity. Moreover, many groups viewed globalization's emphasis on uniformity as an affront to their cultural separateness and responded with still greater conservatism.

15. The use of the Internet to disseminate hatred was a matter of particular concern. States must pledge their commitment to plurality and diversity and international pressure must be brought to bear to guarantee non-discrimination at all levels of government.

16. Mr. PARY (Indian Movement Tupaj Amaru) said that racism had originated with the conquest and subsequent colonization of the Americas and had led to the plundering of wealth, globalization, a heavy debt burden and extreme poverty. The right of the victims of racism to compensation should be a central issue for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Conference should also be an opportunity for establishing the historical truth regarding the effects of colonialism, namely, the violent dislocation of the social structure of ancestral civilizations, the annihilation of their cultures, the upsetting of the balance between man and nature and the denial of the victims' identity.

17. Colonialism had led to the extermination of 90 million of the 170 million Indians living throughout the Americas and to the enslavement of the survivors who had been treated not as humans but as beasts. The writer, Eduardo Galeano, estimated that the bodies of 8 million Indians lay in the silver mines in Potosí, Bolivia. One historian estimated that the conquistadores had carried off some 16,000 tons of silver and 200 tons of gold from the Americas. The wealth of Western Europe had been founded on the riches seized from the indigenous peoples.

18. Accordingly, the international community should examine its conscience, admit that racism and colonialism had been a Western phenomenon, apologize for the human tragedy it had caused and agree to compensate the victims for the material and moral injury resulting from colonization.

19. Ms. PARKER (International Educational Development Inc.) said her organization was concerned at the serious increase in racist activities in the world. International law provided a powerful remedy for groups subjected to a racist regime over a prolonged period, which was the right to self-determination. The situation of the Tamil people in Sri Lanka clearly met the criteria. The Commission was well aware that, following the end of British colonial rule, the Tamils had suffered extreme racism at the hands of the Sinhala majority. The Government of Sri Lanka had resorted to extreme anti-Tamil rhetoric which had even begun to infect Governments that should know better. Thus, an ambassador of a major European Power had recently commented that she was content to be posted to Sri Lanka because it was a "Buddhist country", ignoring the fact that the Tamils were Hindu, Christian and Muslim. In the context of the 18-year war in the country, such a position could only be viewed as racist.

20. Meanwhile, the Government of Sri Lanka was preventing humanitarian assistance from reaching 900,000 Tamils in dire need and was maintaining a blockade on Tamil areas. It appeared that even Tamil children were viewed as the enemy. Indeed, the Government was clearly seeking a military rather than a negotiated solution to the conflict. Not only had it not reciprocated the ceasefire unilaterally declared by the Liberation Tigers of Tamil Ealam (LTTE) the previous week, but it appeared not to be cooperating with the Norwegian peace initiative which was being undertaken in a spirit of true neutrality.

21. Mr. NAFEH (International Young Catholic Students) said that students also faced problems associated with intolerance and racism. Certain educational systems perpetuated such entrenched phenomena, promoting difference in such a way as to make it a source of conflict. Students also felt the need to "belong" and in their search for an identity joined groups, sometimes of a violent nature.

22. Students dreamed of a society that placed the human being at its centre, was respectful of diversity and offered equal opportunities for all. In such a society, schools and universities would promote tolerance while recognizing the unique identity of each student. The Commission for its part should encourage networks of solidarity between young people and contribute to the establishment of institutional machinery for promoting the sustainable development of all countries.

23. Ms. NAYAK (Indian Council of Education) said that the real problem faced by the Dalits of India was not due to institutionalized racism, but to the ineffective implementation of a whole plethora of legal and administrative provisions designed to curb discrimination, and to entrenched attitudes in many parts of Indian society. The caste system, though not based on race, denied equal opportunity to large numbers of people, fashioned as it was from a centuries-old socio-economic structuring of society. Despite significant Dalit representation in the national parliament and increasing levels of literacy among a group that had long been denied access to education, discrimination against Dalits persisted and was often accompanied by violence. The World Conference would do Dalits a great disservice, however, if it treated their predicament as a racial problem, since the discrimination they faced was primarily a denial of social equality and opportunity.

24. Mr. BARNES (Indigenous World Association) said that colonialism was a form of racial discrimination that persisted in Alaska, Hawaii, Puerto Rico and elsewhere. It had resulted in the destruction of the cultures of many indigenous peoples and sometimes even in their outright extinction.

25. Not all factors had been taken into account at the time of the adoption of General Assembly resolution 1469 (XIV) concerning the cessation of the transmission of information under article 73 e of the Charter in respect of Alaska and Hawaii. In effect, the United States of America had stolen Alaska and Hawaii.

26. Moreover, in the case Tee-Hit-Ton Indians v. United States, the United States Supreme Court had applied the racist doctrine of manifest destiny in turning down the request by those Indians of Alaska for compensation.

27. Noting that the representative of the United States had said that her Government opposed racism in all its forms and manifestations and was committed to the success of the forthcoming World Conference, he called on the United States to recognize and eradicate the genocide and racial apartheid in Alaska. He called on the Commission to examine colonialism and racial apartheid in Alaska, as it had done in the case of South Africa and he called upon the Governments to recognize the sovereign independence of Alaska. He intended to lodge a diplomatic protest against the United States and the United Nations for not allowing due process in the case of Alaska.

28. Mr. CHAPMAN (Minority Rights Group) said that the situation of the Batwa, an indigenous people found in Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, had been generally overlooked. A recent report by his organization had found that the Batwa suffered from systematic discrimination through negative stereotyping (they were regarded as uncivilized and as poachers), segregation and the denial of basic human rights. They were often unable to get basic schooling, even in areas where other ethnic groups were well educated.

29. International development relief agencies likewise often ignored the Batwa, who had been neither consulted nor compensated for the impact of development or conservation projects in the areas they inhabited.

30. The Governments of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda should recognize the Batwa as indigenous people and demonstrate their commitment to respecting that people's rights by fulfilling the obligations they had entered into under the African Charter on Human and Peoples' Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. They should also ratify and implement ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and support the adoption of the draft Declaration on the Rights of Indigenous Peoples. Finally, development agencies should recognize the right of the Batwa people to participate fully in all decision-making processes regarding development projects affecting them.

31. Mr. GONZALES (International Indian Treaty Council) said that one issue of particular importance to his delegation was the pervasive prejudice against indigenous peoples' spiritual practices among the dominant religions aided by the States. Sacred sites were destroyed, offerings scattered and, in some States, those found at prayer were beaten or even killed.

32. Another was environmental racism, namely, the disproportionate burden borne by racial minorities, indigenous peoples and the poor of environmental degradation caused by oil refineries, chemical plants and pesticides. For indigenous peoples in the United States, it had also meant the placing of nuclear and industrial waste on reservation lands. Elsewhere in the world, the impact of such racism was felt in terms of contaminated water and destruction of habitat.

33. Another aspect of environmental racism was that of racism by one State against another. The dumping of toxic wastes by the North in poor countries of the South was racist. Similarly, under the terms of the "Plan Colombia" the United States proposed to eradicate drug production in Colombia through widespread application of glyphosphate, a deadly chemical that killed all plant and animal life, posing a substantial threat to human life and well-being. The Plan had been condemned by the Worldwide Fund for Nature and many indigenous organizations. Aerial spraying of that herbicide had already begun to displace people, primarily indigenous peoples; Colombia's neighbours would also be affected. Given the "beneficiaries" of the Plan, it was clearly racist.

34. A disproportionately high number of native Americans were incarcerated, largely due to inadequate legal representation and discrimination in the criminal justice system. In the United States, where the death penalty was still applied, a disproportionate number were awaiting execution.

35. He had been encouraged to hear the Minister for Foreign Affairs of Mexico acknowledge the existence of racism and discrimination in his country and hoped that that signalled a new course for a more diversified Mexico in which the indigenous peoples might participate openly.

36. He concluded by urging the Commission to address the issue of religious freedom and the sacred sites of indigenous peoples in the final document of the World Conference.

37. Mr. MASOOD (International Human Rights Association of American Minorities) said that the World Conference should indeed call for an apology for the slave trade and colonialism and the return of stolen cultural property and artefacts. Former colonizers could make amends for past actions by writing off the debt of developing countries.

38. It should also declare the situation in the occupied Palestinian territories a matter of urgent international concern and urge the Israeli Government to allow the repatriation of Palestinian refugees and put an end to its blockade of Palestinian towns and territories.

39. Neocolonialism was causing as much suffering as the colonialism that had preceded it. Globalization and economic and political domination by the developed countries hindered the exercise of the right to development and perpetuated poverty and underdevelopment. Developed

countries were using economic sanctions as a political weapon against developing countries. Such sanctions could not be lifted because of the undemocratic structure of the United Nations Security Council.

40. The World Conference should therefore reject neocolonialism and call for the democratization of the global economic and political order and of the Security Council.

THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/2001/24-26; E/CN.4/2001/NGO/3, 6, 12, 42, 83, 147, 165 and 175; E/CN.4/2001/WG.18/2; A/55/302)

41. Mr. DEMBRI (Algeria), Chairperson-Rapporteur of the Open-Ended Working Group on the Right to Development, introducing the Working Group's report (E/CN.4/2001/26) said that it consisted of two parts: the first was an account of the Working Group's discussion and a series of annexes relating thereto; the second comprised his own conclusions together with the comments thereon by various delegations. In that connection, he drew attention to paragraphs 157 to 168 which referred to the circumstances that had led him to submit those conclusions on his own responsibility.

42. The conclusions covered the report of the independent expert, national action and international action for the realization of the right to development and the future work of the Working Group.

43. Numerous proposals had been made by various delegations concerning the topics to be considered by the Working Group and another session of the Working Group should be held before the next session of the Commission. His general approach within the Working Group had been to seek consensus, and by the end of its last session there seemed to be significant agreement regarding much of the report, but unfortunately without unanimous support. He had requested delegations dissenting from his conclusions to submit their observations and comments in writing. The debate had been an encouraging one even though, unanimity had not been achieved.

44. Mr. SENGUPTA (Independent expert on the right to development) said that the right to development was a complicated one and it was unrealistic to expect an immediate and unanimous consensus on all its aspects. However, a great deal of progress had been made, and the momentum should be maintained. The right to development was a process which did not stop, and it had been accepted as a human right. It was incumbent upon States and the international community to find ways of bringing it about. The "development contract" was one method of international cooperation, but it was not supposed to be universally applicable. It had to take account of national and regional experience.

45. He had recently visited the Philippines and Indonesia and, following discussions at the Asian Development Bank in Manila, he had come to the conclusion that it was essential in any kind of development that a social safety net be constructed. Indonesia had made great progress since its financial crisis, and provided a good example of a properly devised programme of assistance by the international community. He would be reporting on his visit in greater detail to the Working Group.

46. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the Union would, in cooperation with the international community, work towards achieving the goals reiterated at the Millennium Summit to reduce by one half the number of people living in extreme poverty by 2015, to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease, and to stimulate a truly sustainable development.

47. The Union welcomed the message from the World Summit for Social Development that the promotion and protection of human rights were essential for the realization of social people-centred development. It strongly believed that the promotion and protection of human rights should form an integral part of any policy to combat poverty, and welcomed the fact that the Human Development Report 2000 of the United Nations Development Programme (UNDP) focused on the interrelation between human rights and human development.

48. The right to development was a universal and inalienable human right. Primary responsibility for ensuring its realization for all lay with the State, which had a duty to promote and respect the principles of full participation, non-discrimination and equitable distribution of the fruits of development. Special attention should be given to the situation of groups that had traditionally experienced exclusion or discrimination.

49. The significance of creating a favourable international environment, including the prospects of adequate support from the international institutions, should not be underrated, since for many poor countries such an environment would facilitate the pursuit of sound national policies. Special attention needed to be given to persons with disabilities, minorities and indigenous peoples in order to ensure their full participation in the development process. Mainstreaming of gender aspects and supporting equity of rights were key factors for sustainable development.

50. The right to development was inextricably linked to civil, political, economic, social and cultural rights, and the denial of any of those rights would tend to deny the right to development itself. The Union fully supported the cooperation and Memorandum of Understanding between the High Commissioner for Human Rights and UNDP, as well as the Human Rights Institutional Strengthening (HURIST) project. It also welcomed the efforts by the Office of the High Commissioner for Human Rights (OHCHR) to integrate human rights into the processes of the Common Country Assessment and the United Nations Development Assistance Framework.

51. The Union welcomed the deepening dialogue between the High Commissioner and the World Bank, as well as the World Bank's concepts for the Comprehensive Development Framework and Poverty Reduction Strategy Papers of poor countries. The participation and commitment of the High Commissioner in contributing to those concepts was of crucial importance to their work.

52. The Union was encouraged by the work done by the independent expert, and regarded his reports as a useful basis for further consideration of the implementation of the right to development.

53. The Vienna Declaration and Programme of Action stated that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. There were many aspects to good governance: it meant allowing civil society and the private sector to flourish and recognizing their catalytic role in the realization of the right to development; it also meant a Government accountable to its citizens and policies that were aimed at sustainable individual-centred development.

54. The Union reaffirmed its commitment to the United Nations target to allocate 0.7 per cent of gross national product (GNP) to development assistance, and wished to emphasize the need for sound budget allocations and the efficient use of development funds. Although international peace and security were essential for the realization of the right to development, military spending continued to be high and the Union therefore emphasized the need for setting priorities in government expenditure that were in favour of development.

55. In that context, the external debt levels of many countries remained a source of concern, and the Union considered that concerted action by the international community and multilateral financing institutions was essential. It welcomed the enhanced heavily indebted poor countries (HIPC) initiative. It called upon all relevant parts of the United Nations system to reinforce their collaborative efforts in adopting measures at the national and international levels to fight the HIV/AIDS epidemic, which posed a real threat to efforts to achieve sustainable human development.

56. Finally, the Union welcomed the fact that, in recent years, the Commission had been able to adopt resolutions on the right to development by consensus, and would welcome a new consensus resolution as a basis for further and more vigorous progress in implementation of the right to development. It reiterated its willingness to continue the negotiations on the basis of the consensus elements reached in the Open-Ended Working Group.

57. Ms. MOHAMED (Kenya), speaking on behalf of the African Group, said it welcomed all the efforts that were being made to operationalize the right to development, recognizing in particular the efforts of the independent expert to clarify the state of progress in implementation of the right and to elaborate on strategies for its implementation, including the notion of a development contract. The Group was keen to see him develop that notion further and draw up an operational model. It agreed with him that national action was of primary importance but had to be complemented by international action and that, with the increased integration of the global economy, State policies and actions at the national level were circumscribed by the interaction between States, policies adopted by other States and institutions and the overall international environment.

58. The Group acknowledged the efforts of the Chairman of the Working Group on the Right to Development to bring together all the relevant institutions and key players to work with States in an endeavour to develop a common framework and to agree on a set of principles to operationalize the right to development, although it would have liked to see much more progress being made. It believed that there could be more fruitful and progressive sessions in the future. It called upon the Commission to endorse the Working Group's report and renew its mandate and also that of the independent expert for a further year. In that connection, the Group believed that the Working Group would find that a 10-day session would enable it to make more progress.

59. The Group urged all States to honour their commitments with regard to the right to development, and expressed the hope that the international community would focus more on the importance of that right in the alleviation of poverty. Future sessions of the Working Group should take into account the enormous impact on development in Africa of preventable diseases, particularly HIV/AIDS and malaria.

60. Lastly, the Group called for the negative effects of globalization to be addressed within the process of implementation of the right to development, with a view to harnessing its potential for the advancement of all peoples.

61. Mr. IBRAHIM (Syrian Arab Republic) said that the right to development was bound up with the most basic aspects of life: food, health, education and social and economic security. Any optimism engendered by the Commission's repeated resolutions on the issue was dissipated, however, by the reality on the ground. Developed countries failed to help the developing ones and the gap between the two was widening, exacerbated by the technical divide and the lack of transparency. Developed country markets were closed to the developing countries and, where goods were accepted, the prices offered made them unprofitable. Poverty threatened to become endemic in some countries. Indeed, rather than seeing the elimination of poverty, the world might see the elimination of the poor themselves. The independent expert and the Open-ended Working Group on the Right to Development had made some useful recommendations.

62. International assistance was beneficial to the giver as well as to the recipient. For example, immigration from overpopulated countries could be curbed and the level of productivity raised, with a general improvement in living conditions. Desertification, too, could be reversed, if enough resources were allocated. The money spent on armaments by a single country to maintain its world hegemony would pay for the health needs of many developing countries.

63. Armed conflict, too, had a paralysing effect on development, as could be seen in Palestine, where Israeli forces had uprooted trees and trampled agricultural land, thus impoverishing both the Palestinians and the inhabitants of the Syrian Golan. He called for the Commission to show solidarity, so that the people of that area could enjoy their right to economic and social development.

64. Ms. DIALLO (Senegal), after endorsing the statement made by the representative of Kenya, said that, 15 years after the proclamation of the Declaration on the Right to Development, most human beings were sinking ever more deeply into poverty, with the attendant instability and tensions that prevented the full enjoyment of human rights. In many countries, the indicators of social development in the fields of education, health, food and environmental protection, exacerbated by the effects of globalization, were negative. Moreover, the incidence of endemic diseases, such as malaria, tuberculosis and AIDS, was growing exponentially.

65. In sub-Saharan Africa, 59 per cent of the rural population and 43 per cent of the urban population lived below the poverty line. Other factors contributing to that situation were the drop in Official Development Assistance (ODA), the growing burden of debt and the many tariff

and non-tariff barriers that prevented access by African exports to the world market. Moreover, States were faced by increasing internal and external constraints that weakened their basic role of promoting and protecting their peoples' economic, social and cultural rights.

66. It was intolerable that, in the age of the Internet and other new technologies, millions of men and women continued to live in misery. The interests of political stability and lasting peace in the world would also be served if the situation were rectified. Development was not a battle which one side won at the expense of the other. The world's growing interdependence meant that each State had to conduct its economic policy with an eye to other countries' interests. Indeed, more than ever before, there was a need for a responsible and mutually beneficial partnership, based on universal values, leading to renewed international cooperation and a more development-oriented United Nations system.

67. Her own country had always worked for development and, to that end, had made efforts to improve its national environment at the political and economic level. The new Government had also embarked on radical constitutional and legislative reform, in close cooperation with civil society, as well as working to increase regional and subregional cooperation. International cooperation was also useful, although the weakness of her country's productive capacity and the unbalanced nature of international economic and trade relations still gave cause for concern.

68. Her delegation supported the renewal of the mandate of the Open-Ended Working Group on the Right to Development and of the independent expert, who had achieved some notable results.

69. Ms. CARVALHO (Mexico), speaking on behalf of the Latin American and Caribbean Group, said that with the adoption of General Assembly resolution 41/128, the Vienna Declaration, the United Nations Millennium Declaration and, most recently, Commission resolutions 2000/1 and 2000/5, the international community had laid the conceptual and definitional groundwork for the realization of the right to development. The time had thus come to focus on giving effect to those principles.

70. The Group, which had played an active part in the Open-Ended Working Group on the Right to Development, had been encouraged by the interest and enthusiasm displayed by delegations from every region. The agreement reached boded well for the future, although there remained a number of points that required deeper consideration. The Working Group's efforts would be successful if enthusiasm was maintained and all participated on the understanding that the realization of the right to development was beneficial for all.

71. The conclusions of the Working Group's Chairperson provided a good basis for future work and she therefore supported the extension of the Working Group's mandate, as well as that of the independent expert, who must be provided with sufficient financial and technical resources. The expert should undertake studies of the impact on the enjoyment of human rights of the economic factors listed in paragraph 188 of the Working Group's report (E/CN.4/2001/26).

72. There was no hierarchy of human rights. The right to development, like civil and political rights, required a follow-up mechanism; and that should be one of the tasks undertaken

at subsequent sessions of the Working Group. Whatever form it took, the mechanism should be based on the principle of cooperation and solidarity among States, should function both nationally and internationally and should be action-oriented.

73. Mr. MORA GODOY (Cuba) said that his delegation felt bound to denounce the permanent violation of the right to development by the powerful nations and their lack of political willingness to implement that right. The world contained over 800 million hungry people, a billion illiterates, 100 million people living on the streets and 11 million children under five who died every year of preventable causes. Half the world's population lived on less than US$ 2 a day and 1.3 billion on less than US$ 1.

74. The countries members of the Organisation for Economic Cooperation and Development (OECD), which had 19 per cent of the world population, accounted for 71 per cent of the world trade in goods and services, 58 per cent of foreign direct investment (FDI) and 91 per cent of Internet users. Meanwhile, ODA had decreased from the pledged 0.7 per cent to 0.2 per cent of GNP. Among other statistics, he noted that the wealth of the three richest persons in the world was greater than the entire GNP of the 48 least developed countries with their 600 million inhabitants. While the richest 20 per cent of the world's population consumed 45 per cent of all the meat and fish eaten in the world, the poorest 20 per cent consumed less than 5 per cent. The cost of one nuclear weapon was equal to the education budgets of 23 developing countries.

75. Developing countries must have the right to have improved access to international markets and be given special treatment in order to participate fairly in the world economy. A durable solution to the foreign debt problem must also be found. It was noteworthy that, within a decade, Germany had been enabled to cancel its debt from two World Wars, whereas the developing countries which had fought against fascism had not been helped to improve their miserable lives.

76. Another atrocious example of the lack of political will shown by developed countries was the scandalous dispute in the World Trade Organization (WTO) between the United States and Brazil arising from the latter's decision to apply a domestic law to break the patents of transnational corporations that refused to manufacture AIDS medications or overcharged for them. Brazil was not trying to break the trade rules but to strengthen the battle against AIDS. The same applied to Africa, where over 25 million people were infected with AIDS but only a fraction could be treated. Many transnational enterprises made extraordinary profits out of the tragedy of millions of human beings, in the process limiting their right to development. The situation was unacceptable.

77. His own country was victim of a most cruel impediment to its development, namely the criminal blockade imposed by the United States. Not only was access to its markets and to international credit prohibited, but obstacles were put to technological development, its patents were stolen, commercial partners bullied and funds belonging to the Cuban State were blocked. Moreover, Cubans were being killed by the denial of access to food, medication and medical equipment. Recently, his Government had decided to buy, despite its astronomical price, an intratracheal vaccine for newly born premature babies. The Mexican subsidiary of the

United States manufacturers, had been refused permission to sell the goods to Cuba owing to the blockade laws. He wondered how long it would take the Commission to feel a proper sense of shame and condemn such an immoral course of action.

78. Mr. LEPATAN (Observer for the Philippines), speaking in exercise of the right of reply, said that his country had welcomed the visit of the independent expert on the right to development, although it would have preferred a later date in order to prepare for his visit. Meanwhile, he put forward the following considerations for the expert's future work. In the first place, he should examine the possible relationship between the process of wealth creation and the right to development: it might provide an organizing mechanism to meet the need for national action. A related issue was that of livelihood as a foundation for poverty eradication and food security, particularly with regard to agriculture, which was the main source of livelihood in developing countries. He might also consider the link between migration and development and employment and job creation as engines of development.

79. Employment, job creation and livelihood were all central to the discussion of the development process at the most basic level. The next step was trade, investment and finance. In that regard, he agreed with the views contained in paragraph 188 of the report of the Open-Ended Working Group on the Right to Development. It was important that the right to development should not be reduced to an exercise in development assistance, which was a necessary tool but nothing more. Developing countries must stand on their own feet in a sustained development process through resources that they themselves generated. Development assistance was a logical starting point, but developing countries should ultimately have no further need for such assistance. Lastly, he supported the proposed extension of the mandate of the Working Group and the independent expert.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Statements in exercise of the right of reply

80. Mr. TAHIR-KHELI (United States of America), referring to a statement made by the Foreign Minister of Cuba at the previous meeting, said that it clearly illustrated how far outside the accepted norms of human rights the current rulers of Cuba had placed themselves and the lengths to which they were prepared to go to hide the truth. The allegations regarding the United States of America were too absurd and outrageous to merit a response, but the Minister's categoric assertion that there were "no human rights abuses in Cuba" both deserved and required a reaction.

81. He wished to draw the Commission's attention to the fact that, on 10 December 2000, the Cuban Government had celebrated International Human Rights Day by detaining more than 200 activists in an effort to stop a number of planned celebrations. Early in 2001, two Czech citizens, one of whom was a member of the Czech Parliament, were imprisoned for meeting a Cuban political activist and a Cuban independent journalist. Between 200 and 300 political activists were in Cuban prisons, and the most recent report of the Inter-American Commission on Human Rights noted "the systematic practice of the Cuban State of discriminating against citizens ... for political reasons and the lack of freedom of expression,

association and assembly". The report stated that trials and prison sentences continued to be used to harass people for reasons linked to rights recognized in international human rights instruments.

82. The Committee against Torture's most recent report on Cuba called attention to "serious violations" of the respective Convention "with regard to arrest, detention, prosecution, access to counsel and imprisonment of individuals".

83. Cuba had refused to allow the United Nations Special Rapporteurs on the Question of Torture and on the Promotion and Protection of the Right to Freedom of Opinion and Expression to enter the country. Cuba's human rights record spoke for itself.

84. Mr. SHEN Yongxiang (China) said that his delegation rejected the attack on the civil rights situation in China, as expressed by the Minister for Foreign Affairs of Germany. China had made enormous progress in ensuring the enjoyment of their human rights by a vast majority of the Chinese people over the past 50 years. That progress could not be denied by a few biased Western politicians. A ban had been imposed on the Falun Gong in the interests of the people's human rights, including those of the practitioners of what was not a religion but an evil cult. The recent self-immolation of some members of the cult showed its essentially destructive and anti-human tendency.

85. Mr. FERNANDEZ PALACIOS (Cuba) said that the United States could not expect its strictures to be believed when its constant lies about its model of democracy had been exposed as a sham. Half the population of the United States was illiterate and a third did not vote in elections. A candidate could be elected with a minority of the votes. The United States was in no position to criticize the human rights situation in Cuba, given its own deplorable record of lynching and shootings.

86. He suggested that the Commission should investigate the irregularities in the recent presidential election in the United States, which were a symptom of a democracy in crisis. His delegation was not interested in receiving from such a country certificates of legitimacy or advice on the democratic patterns to follow.

The meeting rose at 6.10 p.m.